

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 7

SIZMEK INC., et al., : Bankr. Case No. 19-10971 (DSJ)

Debtors, : (Joint Administration)

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10FN, Inc., : Adv. Proc. No. 21-01160 (DSJ)

Plaintiff, : District Court Case No.
21-cv-05996 (VEC)

v. :

CERBERUS BUSINESS FINANCE, LLC, : NOTICE OF MOTION
PEPI CAPITAL, L.P., :
KEN SAUNDERS, ANDREW BRONSTEIN, :
SASCHA WITTLER and MARK GREETHER, :

Defendants. :
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law In Support of his Motion to Dismiss the Amended Complaint, dated April 7, 2022, the sworn declaration of Robert Knuts, dated April 7, 2022 and the exhibits annexed thereto, and upon all the papers and proceedings had herein, Defendant Andrew Bronstein will move this Court, before the Honorable Valerie E. Caproni, at the United States Courthouse for the Southern District of New York located at 40 Foley Square, New York, New York, 10007, on a date and time to be designated by the Court, for an Order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal

Rules of Civil Procedure dismissing the Amended Complaint with prejudice.

Dated: New York, New York
April 7, 2022

SHER TREMONTE LLP

By: /s/ Robert Knuts
Robert Knuts

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TO: All counsel of record (via ECF)